

**Speech-Language Pathology and Audiology Board**

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**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD**

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**SPEECH-LANGUAGE PATHOLOGY  
& AUDIOLOGY BOARD MEETING MINUTES  
OCTOBER 27, 2006**

**Committee Members Present**

Lisa O'Connor, M.A., Chairperson  
Alison Grimes, Au.D., Vice Chairperson  
Rebecca Binge, M.A.  
Carol Murphy, M.A.  
Jennifer Hancock, M.A.  
Naomi Smith, Au.D.

**Staff Present**

Annemarie Del Mugnaio, Executive Officer  
Kathi Burns, Senior Staff Analyst  
Lori Pinson, Staff Analyst  
George Ritter, Legal Counsel

**Board Members Absent**

Diana Verdugo, M.S.  
Paul Donald, M.D.

**Guests Present**

Robert Powell, California Speech-Language-Hearing Association  
Jim Stassi, Sacramento Advocates representing California Academy of Audiology  
Daniel Juárez, Administrative Law Judge, Office of Administrative Law  
Melissa Poiset, Petitioner  
Wendy Widlus, Deputy Attorney General, Office of the Attorney General  
Robert Bell, Supervising Deputy Attorney General, Office of the Attorney General

**I. Call to Order**

Chairperson O'Connor called the meeting to order at 9:10 a.m.

**II. Introductions**

Those present introduced themselves.

### **III. Hearing on Petition for Reinstatement of Revoked/Surrendered License-Poiset, Melissa.**

The Board heard the Petition Hearing for the Reinstatement of the Surrendered License of Ms. Melissa Poiset.

### **IV. Closed Session (pursuant to Government Code Subsections 11126 (c)(3)) to Deliberate on Petition**

The Board adjourned into closed session at 11:45 a.m. to deliberate the decision of the Petition Hearing.

The Board reconvened into open session at 12:00 p.m. and introductions were made by all present.

### **V. Approval of meeting minutes for August 10, 2006, Strategic Planning Session and August 11, 2006, Speech-Language Pathology Practice Committee Meeting and Full Board Meeting**

The Board discussed minor grammatical edits to the minutes.

M/S/C: Murphy/Bingea

The Board approved the meeting minutes for the August 10, 2006, Strategic Planning Session and August 11, 2006, Speech-Language Pathology Practice Committee Meeting and Full Board Meeting as amended.

### **VI. Chairperson's Report (Lisa O'Connor)**

Chairperson O'Connor provided an overview of her written Chair's report as provided in the meeting materials and as also made available to all in attendance. She reported on the meeting activities of the National Council of State Boards (NCSB) in Speech-Language Pathology and Audiology Conference she attended on October 13-14, 2006, in Atlanta Georgia. Ms. O'Connor also announced that the next conference will be held in Oklahoma City in October 2007.

Chairperson O'Connor and Vice Chairperson Grimes expressed interest in being included on the NCSB email listserv and will contact the listserv administrator to be added to the group as representatives of the Board.

### **VII. Committee Reports**

Chairperson O'Connor provided an overview of the matters discussed during the Joint Committee Meeting of the Speech-Language Pathology and Audiology Practice Committees and presented the Committee's recommendations to the Board as follows:

- To convene a meeting of the Joint Committee of the Board and the California Speech-Language Hearing Association (CSHA) Task Force on Auditory Processing Disorders (APD) to review the CSHA position statement and discuss appropriate

amendments that might align the CSHA document with published national position statements in order to create a document that may serve as state professional standards for the diagnosis and treatment of APD.

- To delegate to Chairperson O'Connor and Vice Chairperson Grimes the task of developing a letter to be sent to both the American Speech-Language-Hearing Association (ASHA) and the American Academy of Audiology (AAA) requesting that the national professional bodies encourage the professional accrediting body, the Council on Academic Accreditation, to adopt standardized program curricula on APD for both speech-language pathology and audiology training programs, and that such standards become a part of the program accreditation criteria.

M/S/C: Bingea/Hancock

The Board voted to adopt the recommendations of the Joint Committee as proposed.

Ms. O'Connor provided the report from the Speech-Language Pathology Practice Committee meeting and presented the following recommendation to the Board for consideration: To amend California Code of Regulations Section 1399.170.11 regarding the registration criteria for Speech-Language Pathology Assistants (SLPAs) to: 1) authorize the training program director of an undergraduate communication disorders program to verify the formal clinical training of a bachelor's degree applicant for the purposes of qualifying for SLPA registration, and 2) authorize the Board to consider an applicant's work experience performing duties consistent with that of an SLPA as an alternative to the existing 70 hours of formal clinical training requirement. The Committee determined that nine months of full-time work experience performing the duties of an SLPA as defined in Business and Professions Code Section 2538.1 (b)(4) should be established as the alternative registration criterion.

M/S/C: Grimes/Murphy

The Board voted to adopt the recommendation of the Speech-Language Pathology Practice Committee and delegated to Ms. Del Mugnaio to amend California Code of Regulations Section 1399.170.11 regarding the SLPA registration criteria.

## **VIII. Executive Officer's Report (Annemarie Del Mugnaio)**

### **A. Sunset Review Report Submission and Process Timelines – Department of Consumer Affairs Internal Audit Process**

Ms. Del Mugnaio stated that the Board's Sunset Review Report was submitted to the Joint Committee on Boards, Commissions, and Consumer Protection on August 30, 2006. She reported that legislative sunset hearings are typically held in early January; however, the current Chair of the Committee, Senator Figueroa, terms at the end of the year and a new Chair must be appointed by the first of January 2007, which may delay the hearings. Ms. Del Mugnaio reported that a few inconsistencies in the fiscal data of the report were identified during the initial stages of the internal audit process that is currently being conducted on the Board by the Department of Consumer Affairs. She stated that the errors have been corrected and replacement pages of the sunset report have been

distributed to the pertinent parties. The Board members also received copies of the replacement pages. Ms. Del Mugnaio stated that the internal audit will continue for several months and will require a substantial amount of time from both her and staff. She stated that the final audit report is a public document and reviewed by the Department during the Board's sunset process.

#### **B. Update on Office Relocation**

Ms. Del Mugnaio reported that the Board will be relocating its office in September 2007 and is already in the move planning stages.

#### **C. Budget Update**

Ms. Del Mugnaio referenced the expenditure report as included in the meeting materials, which includes expenditures through the end of September 2006. She reported that while the projected expenditures through the end of the 2006/2007 fiscal year appear to be on target, the Board has already exhausted 60% of its Attorney General (AG) budget and there are still a number of pending cases to be reviewed. Ms. Del Mugnaio stated that she is monitoring the expenses closely and may need to augment the AG budget with funding from other program areas.

#### **D. Personnel Update**

Ms. Del Mugnaio reported that Ms. Ann Bollenbacher, the Board's Continuing Professional Development Coordinator, has been appointed to the Staff Services Analyst classification and that the promotion was well-deserved.

#### **E. Status of Rulemaking Files**

Ms. Del Mugnaio referenced the table included in the meeting materials outlining the status of the following rulemaking files:

- 1. Advertising of Academic Degrees by Licensed Speech-Language Pathologists and Audiologists (California Code of Regulations Section 1399.156.4)**
- 2. Information Disclosure Regulations (California Code of Regulations Sections 1399.180 – 1399.187)**
- 3. Elimination of Dual Licensure Proposal (California Code of Regulations 1399.170.20)**
- 4. Continuing Professional Development (California Code of Regulations 1399.160.2 – 1399.160.10)**

#### **F. Legislation Update**

- 1. SB 1285 Aanestad - Speech-Language Pathology (Endoscopy/Suctioning)**

Ms. Del Mugnaio stated that the bill was signed by the Governor on August 23, 2006, and will become effective as of January 1, 2007.

## **2. SB 1223 Scott- Hearing Aid Health Care Coverage for Children**

Ms. Del Mugnaio reported that the bill was vetoed by the Governor on September 28, 2006, but will likely be reintroduced during the 2007 legislative session.

## **3. AB 2651 Jones- Newborn Hearing Screening**

Ms. Del Mugnaio reported that the universal newborn hearing screening bill was signed by the Governor on September 19, 2006, but the provisions of the bill are not mandated until January 1, 2008.

## **4. AB 2837 Baca-Medi-Cal LEA Billing**

Ms. Del Mugnaio stated that the bill was signed by the Governor on September 28, 2006, and takes effect immediately.

Ms. O'Connor inquired whether the provisions can be enforced immediately or whether further action by the Commission on Teacher Credentialing must occur to change the credentialing standards to align the standards to licensing standards and the national certification standards.

Ms. Del Mugnaio stated that further regulations are likely to be developed by the Commission to implement the provisions of AB 2837 and, further, that a legal opinion must be drafted by the Office of the Attorney General concluding that the new credential standards are in fact equivalent to the licensing standards and the national certification standards. She stated that Mr. Powell had indicated that the legal opinion should be developed within the next few weeks.

## **5. SB 1475 Figueroa-Senate Health Omnibus Bill-SLPAB**

Ms. Del Mugnaio stated that the omnibus bill, Senate Bill 1475, was signed by the Governor on September 29, 2006, and takes effect on January 1, 2007.

Ms. Del Mugnaio reported that the bill corrects some omissions that occurred when the Board separated from the umbrella of the Medical Board in 2002. She indicated that the Board has been included in Section 725, which deems the excessive prescribing of medications or treatments beyond that which is accepted as the standard of care within the professional community to be an act of unprofessional conduct and a misdemeanor offense, and Section 800, which requires: 1) that the Board maintain records regarding its licensees and all complaint and enforcement documentation; 2) that various health agencies and insurance companies report settlements, arbitration awards and judgments against a speech-language pathologist or audiologist to the Board; and 3) provides for other general complaint handling and investigation protections that will apply to the Board. She also stated that the amendments in SB 1475 regarding Section 2533 strengthen the Board's advertising restrictions and assist with enforcement efforts.

## **G. Miscellaneous Items**

Ms. Del Mugnaio provided the most current continuing professional development audit compliance statistics and reported a compliance rate of 86% for audited speech-language pathologists and 92% for audiologists.

## **IX. Enforcement Program Update (Kathi Burns)**

### **A. Public Disclosure Update**

Ms. Burns reported that, pursuant to the Board's newly adopted information disclosure regulations, she is working with the Department of Consumers Affairs' Office of Information Services to provide Board staff with access to a database program for reporting disciplinary information to the public. She explained that the database contains public disclosure reporting screens that are used to capture information including accusations filed against licensees, licensee criminal conviction information, and any other administrative disciplinary action taken against a licensee. Ms. Burns further explained that the information input on the public disclosure screens is programmed as the source data for the Board's web-based on-line license feature. She stated that the public disclosure screens will provide the public with greater access to information regarding the status of a licensee who has been disciplined or has an administrative case pending. Ms. Burns also explained that, with the new disclosure screens, the public will be able to link to and print all pertinent documents relative to the reported sanction.

### **B. Probation Monitoring Duties**

Ms. Burns reported that the Department of Consumer Affairs' Division of Investigation (DOI) has historically provided probation monitoring services for the Board. However, due to critical staffing shortages, the DOI will no longer be able to provide these services. She explained that she will now serve as the Board's probation monitor. Ms. Burns stated that she has a number of years of experience monitoring probationers as she was responsible for such monitoring in her former employment position with the Board of Psychology. Ms. Burns stated that the Board currently has 11 licensees on probation. She also stated that if a probationer is in violation of the imposed probationary terms, she would work with the DOI to investigate the matter.

### **C. Statistics**

Ms. Burns referenced the enforcement statistical report as provided in the meeting materials. She also requested that the Board members disseminate information to their colleagues and professional affiliations regarding the Board's recruiting efforts to obtain interested professions to serve as expert witnesses for the Board's enforcement program. Ms. Burns explained the expert witness criteria and compensation parameters and indicated that a recruitment notice and application will be posted on the Board's website within a few weeks.

## **X. Licensing Program Update (Lori Pinson)**

### **A. Certificate of Clinical Competence (CCC) issued by the American Speech-Language-Hearing Association Equivalency Issues**

Ms. Del Mugnaio reported that back in January 2006 the Board adopted a motion to change the application process for individuals who filed an application with the Board based on equivalent qualification (i.e., applicants with the CCC as issued by ASHA) to require that all equivalency applications include a verification form regarding the required professional experience. She stated that the motion was made after Board staff noticed a number of inconsistencies or deficiencies in the supervision parameters for applicants applying based on equivalent qualifications. Ms. Del Mugnaio stated that, because the CCC requirements regarding the supervision of the clinical fellowship year (CFY) are less prescriptive than that of the required professional experience (RPE) supervision standards for licensure, some applicants filing under the equivalency provisions did not meet the licensing standards. Ms. Del Mugnaio stated that recently staff learned that applicants were having difficulty obtaining specific CFY supervision verification documentation from ASHA. She stated that she contacted ASHA regarding the documentation issue and was notified by ASHA personnel that ASHA's policies have changed recently and that ASHA will no longer provide information on the CFY of an individual, nor will they provide examination scores. ASHA stated that the policy change was implemented due to inconsistencies in the records maintained for all of its members and, as a result, not all CCC holder records were complete. ASHA indicated that, from now on, the only documentation that will be forwarded by ASHA to verify certification will be a "Letter of Good Standing" that verifies that an individual had met the CCC standards at the time the individual was certified and whether or not the individual has maintained the certification through renewal.

The Board discussed the new ASHA policy and determined that, while the verification of the CFY supervision standards was important to certify equivalency, applicants should not be penalized if such documentation is unavailable through ASHA. Further, the Board determined that since the ASHA CCC standards have been deemed equivalent to the licensing provisions by a legal opinion, the Board should uphold the equivalency process and acknowledge the ASHA "Letter of Good Standing" unless there is reason to believe that an applicant has not met the certification or licensure qualifications. In these cases, the Board should require further verification information.

M/S/C: Grimes/Murphy

The Board voted to reverse the motion of January 26, 2006, regarding the requirement that individuals who apply under the equivalency application process must submit documentation verifying the supervision parameters of their clinical fellowship year or their required professional experience.

### **B. Statistics**

Ms. Pinson provided updated licensing statistics to the Board, as included in the meeting materials.

## **XI. SLPAB 2006-2007 Strategic Plan-Action Plan and Recent Accomplishments**

Ms. Del Mugnaio distributed the final language of the 2006-2007 Strategic Plan and Action Plan as adopted by the Board at the August 11, 2006, meeting.

## **XII. Public Comment on Items Not on the Agenda**

No further public comments were made at this time.

## **XIII. Announcements**

**Next Board Meeting is scheduled for January 25-26, 2007, in Sacramento**

## **XIV. Future Meeting Dates**

Future meeting dates were scheduled for April 12-13, 2007, in San Francisco and July 12-13, 2007, in Los Angeles.

## **XV. Adjournment**

There being no further discussion, Chairperson O'Connor adjourned the meeting at 2:20 p.m.

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Annemarie Del Mugnaio, Executive Officer